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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,429	07/17/2003	Tatsufumi Kusuda	P/1250-251	1738
2352	7590	03/18/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			BERRY, RENEE R	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,429

Applicant(s)

KUSUDA, TATSUFUMI

Examiner

Renee R Berry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a): In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by over US patent no. 6,630,991 to Kitamura et al.

In regards to claim 1, Kitamura teaches a thermal processing apparatus heating a substrate by irradiating said substrate with light, comprising: a chamber, comprising a chamber window transmitting light on its upper portion (column 6, lines 30-36), for storing and holding said substrate therein; a lamp house, storing a lamp and comprising an irradiation window passing light emitted

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from said lamp therethrough on its lower portion, fitted to said chamber in an openable/closable manner; and a locking mechanism (column 6, lines 10-15) fixing the chamber and said lamp house to a closed state for opposing said chamber window and said irradiation window to each other, for shielding said irradiation window by inserting a shielding plate in said closed state thereby releasing said locking mechanism and allowing opening of said chamber and said lamp house (column 7, lines 30-39).

In regards to claims 2 and 5, Kitamura teaches the thermal processing apparatus having shielding plate (column 6, lines 45-47) that is opaque with respect to said light emitted from said lamp at column 5, lines 29-34.

In regards to claims 3 and 6, Kitamura teaches the thermal processing apparatus having a lamp at column 6, lines 10-15.

In regards to claim 4, Kitamura teaches a thermal processing apparatus heating a substrate by irradiating substrate with light, comprising: a chamber, comprising a chamber window transmitting light on its upper portion, for storing and holding a substrate therein: a lamp house, storing a lamp and comprising an irradiation window passing light emitted from said lamp therethrough on its lower portion, fitted to said chamber in an openable/closable manner; and a locking mechanism (column 6, lines 10-15) fixing said chamber and said lamp house to a closed state for opposing said chamber window and said irradiation window to each other (column 8, lines 15-24), for covering said locking mechanism with a shielding plate drawn out in said closed state while shielding said irradiation window by inserting said shielding plate thereby allowing release of said locking

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mechanism and enabling opening of said chamber and said lamp house (column 7, lines 30-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renee R Berry whose telephone number is (703) 305-4544. The examiner can normally be reached on M-F 9-5:30.



**HUAN HOANG
PRIMARY EXAMINER**



RRB

December 24, 2003